

Serial No. 08/936,304

UTILITY PATENT

B&D No. TN2213A

### REMARKS

Claims 7-10, 15 and 16 are pending, with claims 7-9 being independent. Claims 6 and 11-14 are canceled by this amendment without waiver or prejudice. Claims 15 and 16 are added by this amendment. No new matter has been added. Applicant thanks the Examiner for indicating that claims 7-9 contain allowable subject matter. This indication of allowable subject matter was made in both of the previous Office Actions.

Claims 7-10 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite because it is not clear how the battery is partly disposed. Applicants have cancelled previous independent claims 6, 11, and 13 and have placed claims 7-9, which were indicated as allowable, into independent form. Applicant placed claims 7-9 in independent form without the recitation of a battery at least partly disposed within the case since claims 7-9 were indicated as allowable in the Office Action mailed March 23, 2005, prior to this limitation being added to the independent claims.

For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the 112, second paragraph rejection of claims 7-9 and dependent claim 10.

Claims 6, 10-12 and 14 stand rejection under 35 U.S.C. 103(a) as being unpatentable over Imbrie (US 5,400,514). Claims 6 and 11-14 have been canceled, thus rendering this rejection moot with respect to those claims. Claim 10 has been amended to depend from claim 7, which has been placed in independent form and was indicated as allowable.

New dependent claims 15 and 16, which depend from independent claims 8 and 9 respectively, are believed to be allowable.

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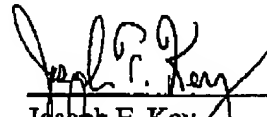
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All claims are believed to be in condition for allowance.

Enclosed are the fees for the RCE and the petition for extension of time. The Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,

  
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